

CONFERENCE STICKS ON COUNTIES

Long Debate on Cutting Out Title.

Nothing is more important remains for the conference committee on the Loan Act, but to settle the much disputed question as to the word "County," before reporting to the two Houses an agreement. The reconsideration of the Honolulu wharf matter opens that for a vote, but it seemed last evening that it was not a great thing to decide.

The meeting of the committee was important in the extreme in that there was read a letter from the Attorney General answering the queries of the committee as to legal procedure. In a word the Attorney General holds that if the appropriations are made specifically for the counties, no work may be done under the bill until those counties are in existence. This with the added fact that there would be lost some \$50,000 in interest, caused deep thought on the part of members. But it did not change votes.

As the matter stood at the close there were seven members of the committee who recognized the necessity for eliminating the divisions into counties, putting in provisions which would insure the doing of the work provided and as well enabling the preparation of the buildings and other necessities in advance.

A letter from Superintendent Cooper was read a saying that the amount appropriated for wharves here was insufficient to inaugurate the work, as that amount would not allow the dredging of the slips which are designed to take the place of the present Pacific Mail wharf, and unless there should be such an amount as is needed, it would be unwise to take away that structure. Upon this it was that the reconsideration of the item was had, and the effect may be to make provision for this improvement.

When the committee got down to business Senators C. Brown, Achi, Paris, Baldwin and J. T. Brown with Representatives Olli, Kaniho, Kellinoh and Gandall were present.

Senator Brown moved the reconsideration of the wharf item, saying he had voted with the majority, and now reopened the question without binding himself to vote for the same sum again or for a greater or less one, simply wishing to put the subject squarely before the committee.

The reconsideration of the item passed.

Senator Baldwin said that he could not see how \$100,000 could be added to the sum. He said Kahului might have \$10,000 taken off and he thought \$10,000 might be taken off the Hilo wharf. J. T. Brown objected to losing anything from Hilo.

Senator Paris, from the School street committee, reported in favor of the extension of School street with no other description than from Liliha street to Markham lane. The Superintendent of Public Works, he said, had informed the committee that if an absolute description was put in the bill it might be impossible for him to build the road at all. The report was adopted unanimously.

The word "County" in the headings of appropriations came up next and this brought out a long discussion. Senator Paris took the position that the word "county" might jeopardize the bill, in that no money could be used for the counties until January at least and in the event of the failure of the County Bill to become law the improvements could not be completed. He therefore moved the striking out of the words "East Hawaii County" and "West Hawaii County" and the substitution of the word "Hawaii".

Senator Brown supported the contention, taking the six months expense bill as an example of how appropriations should be made by Islands and districts. Olli opposed this saying if the bill was held constitutional the counties would have no money at all. Kaniho likewise opposed the changes and both Senators Brown and Baldwin explained the necessity for taking no chances of waiting until January for the securing of the money with which to prosecute the improvements. Kaniho continued to argue that under the six months bill there were sufficient appropriations to keep work going on and the counties could well wait.

"If this bill comes out of this session"

LANGUAGE QUESTION

Raised at Yesterday's Session of the Churchmen.

(From Wednesday's Daily.)

Yesterday's session of the Hawaiian Evangelical Association was held at Kaumakapili church. Most of the forenoon was taken up with the question of what should be the language of instruction at the North Pacific Missionary Institute, the theological seminary for the preparation of ministers of the gospel for the churches of Hawaii. The language used in instruction now is English, but a large number of the association, especially the older members, thought that the native Hawaiian language should be used. Formerly there were twenty or more students. But at present there is just one, and it is said there are no others so far as known to enter the institution with the beginning of study in the autumn. The older members of the association attribute the falling off in candidates for instruction at the Institute to the fact that instruction is in English instead of in Hawaiian. The principal of the Institute is the Rev. John Leidingham, who is strongly in favor of instruction in English.

The matter was finally referred to a committee consisting of Rev. O. H. Gulick, Rev. O. Nawahine and Rev. J. M. Lydgate.

The language committee of the Evangelical Association at the afternoon session gave a report, in which it was recommended that instruction at the Institute should be continued as formerly in both languages. Practically, though after long discussion, the report was adopted; the matter is left in abeyance. There is but one available man competent for theological tutor in Hawaiian. This is Mr. Lydgate of Kauai, but the Association is without funds to employ him at present.

This morning the Association will elect a secretary and a treasurer, also fill vacancies in the first class of directors to the required eleven. Reports of the secretary and the treasurer for the past year will be received.

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"..... in this shape we'll kill it in the House," declared Kaniho.

"I call the gentleman to order," said Chairman Achi, "It is the duty of every member of this committee to try and reach such an understanding as will result in passing the bill." This caused a storm for a moment which was only quelled when Kaniho was permitted to continue his discussion, indicating that he thought a vote against the word "county" was by inference a vote against county government.

Fernandez continued to mix up the county idea and said that the appropriations would not be spent where the Legislature intended. Senator Brown called attention to the provision that makes diversion of appropriations a misdemeanor but he could not convince the Hamakua man. Senator Baldwin took a hand but finally Fernandez gave it up saying that he could not be changed in his ideas. The discussion was wide in range, Kumalae bringing up a new point by suggesting the location of the government buildings, and Baldwin said further there should be a provision that the buildings should be turned over to the counties.

The amendment to strike out "county" and "East" was then put and the result was 7 to 5, the result being no vote, the ayes being Harris, Kellinoh, Paris, Baldwin, Gandall, C. Brown and Achi; Noes, J. T. Brown, Olli, Kaniho, Kumalae and Fernandez.

There was some little discussion over the matter, suggestions being made that there had entered into the discussion new elements, which might change the vote of Kumalae, but it ended in the adjournment until today.

So far as the bill has been considered the following agreements have been reached: Hilo wharf, instead of Honolulu, \$20,000; Armory, Honolulu, \$20,000; Road, Nahuiku to Kailua, \$40,000; Road, Paehi to Kailua, \$15,000; High Lift pump, \$25,000; School street extension from Liliha street to Kamehameha IV road, at Markham lane; Kauai road machinery, \$6000 road, Nawiliwili landing to Lihue, \$10,700; road Koloa, \$6,000.

In addition the verbal changes striking out the word county wherever it appears, and the making of the buildings "government buildings," and the addition of the districts in the matter of school houses and roads complete the changes in the bill.

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HOUSE BEGINS WORK ON THE LAST BUDGET MEASURE

Few Changes Made in Officials' Salaries So Far as the Bill Is Read.

(From Thursday's Daily.)

When the House took up the Eighteen Months' Salary bill yesterday it had cleared away on second reading every other one of the regular budget measures of the session. Two small bills were introduced which mean not less than four days more of work at the least.

The Six Months' Expense bill was passed second reading carrying in round numbers a million and a half, the measure having had more than \$32,000 added to it during the consideration. The principal item of this increase was \$15,000 for Lahaina wharf which it was explained could not be built for the \$20,000 already provided. Molokai got \$6,500 which accounts for two thirds of the increase.

The debate on the Eighteen Months' Salary bill was never exciting and the results of the changing were peculiar to say the least. The members did not watch the figures very closely and the result was that in many instances provisions were made for continuation of officers' at less salary for the longer period, proportionately, than they will have for the remainder of this year. There was very little reduction during the discussion, only one official being cut out, the assistant to the Attorney General.

IN THE HOUSE.

The House received the answer of Superintendent Cooper to the petition concerning Richards street as soon as the morning business was over, the letter reading as follows:

"I am in receipt of a petition concerning the widening of Richards street, accompanied by a report of the Committee on Public Lands and Internal Improvements, and I have to say that the recommendations of the committee meet with my approval, and commissions have been issued for the purpose of considering the question of damages to be awarded to the claimants and thereupon to make order of condemnation for the necessary land for the widening of the street."

COMPENSATION FOR DOLE.

Vida then offered his bill making an appropriation of \$1000 to compensate Edmund P. Dole for his services in presenting the Osaki Mankichi case to the Supreme Court and preparing the supplemental brief submitted therein. The bill was passed first reading.

Kalama offered the bill to appropriate the sum of \$2000 for defraying the expenses of the band for travelling expenses during the remaining six months of this year.

Senate Bill No. 9, the Eighteen Months Expense bill, was then taken up. Nakaleka secured the insertion of items of \$1500 for a derrick at the landing at Pelekunu and then proposed \$2000 for a freight cable at Wailua, there being some little objection to the size of the item, though it passed as in the bill. For Halawa landing he asked \$3000 and there he met with some opposition. Andrade said the amount was too great but the item finally was inserted.

CONY ESTATE ITEM OUT.

Paele then presented the item of reimbursement of the Cony estate for lands taken for the Tantalus road, \$12,000. Speaker Beckley said that the bill contemplated appropriations for the departmental use only, and was to cover the period commencing Jan. 1, 1904. If the amount asked was to be paid for land to be taken in the future it would come under the provisions of this act, he said. However, it was a matter which had been seemingly closed, the government now being in possession of the land. He therefore ruled that the item was not a proper one to be inserted in the bill unless it could be shown that the land was to be taken in the future. As it was announced that the land had already been taken, he ruled on the point of order that the claim was properly an unpaid bill.

Lewis presented an amendment proposing \$1500 for a landing at Kaunaloa, Puna. He explained that a strip of land had been given to the government for this landing by private parties. The amendment was passed.

It was developed that there were few people at Kaunaloa and Andrade rose to the occasion, found that there was a pal at Nualoa on Kauai, and immediately asked \$5000 for a freight and passenger cable there. Olli took this seriously however and said that there were no people within twenty miles, no living thing but goats. There was a laugh at his expense and the item was killed.

MAGAZINE SUBSIDY FAILS.

Wright proposed a new item of \$3750 for subsidy for the Paradise of the Pacific. The item as thus submitted was fought rather liberally attention being called to the fact that there was no limitation as to what was to be given for the money. The argument became discursive and was made humorous when Kalama proposed a subsidy of \$2000 for the Maui News, \$2000 for the Hilo Herald and \$500 for the War Cry. Then it was found that the Wright proposal had no second and it fell.

Pall then moved to amend by inserting \$1500 for the completion of the Lahaina wharf. He said an appropriation of \$20,000 had been made and it was found that \$35,000 was necessary to extend the wharf to deep water so that the island steamers could dock. The amendment was inserted.

Olli proposed \$2000 for the repairing, whitewashing or painting the buildings at the Waiakamilo camp. There was a long debate over the matter ending with its insertion in the bill.

TO CLASSIFY LANDS.

Harris proposed \$2500 for an item of survey of public land for purposes of classification. The debate which followed was of wide range, covering all features of survey work and some discussion over the lands but the item went through as proposed.

Kalli asked \$3000 for landing and buoy at Hanalei, which was adopted as the last one for the regular list of items.

There was a recess for recapitulation which showed \$1,455,335 as the total of the appropriation under the bill, showing additions of \$32,250 in the measure. The bill was then passed second reading after which the House took its noon recess.

VETO OF KONA ITEM.

As soon as the House reconvened the following veto from the Governor was received and read:

I am unable to approve of the following item of Act — of the extra session of the Legislature in 1903, being entitled "An Act making special appropriations for the departmental use of the Territory during six months from July 1st, A. D. 1903, which will end with the 31st day of December, A. D. 1903."

"Kona Orphanage, provided however, that a quarterly statement of the expenses of the orphanage, and the number of pupils therein be forwarded to the Superintendent of Public Instruction, \$1000."

My objections to this item are as follows:

It is generally understood that the Kona Orphanage is a school. The provision of the bill in relation to this item, in requiring a quarterly statement of the number of pupils in the Kona Orphanage to be forwarded to the Superintendent of Public Instruction, recognizes the orphanage as a school. It is not a government school nor is it under the exclusive or any control of the government; it is clear therefore that, as a private school, it is excluded from government assistance by the limitations of legislative power set forth in the Organic Act, Section 55, as follows: "Nor shall any public money be appropriated for the support or benefit of any sectarian, denominational or private school, or any school not under the exclusive control of the government."

I therefore return herewith the acts above referred to for your consideration of this item.

SANFORD B. DOLE,
Governor.

PARTITION JUDGMENT

Parties to Agree Upon Surveyor as Commissioner.

(From Wednesday's Daily.)

The Rapid Transit Co., by its attorney, W. R. Castle, gives notice of motion for a new trial of Robert Fuller's damage suit against it, to be presented before Judge Robinson on September 2. Judge Gear has allowed defendant ten days more to file exceptions.

Judge De Bolt approves a stipulation in the ejectment suit of E. K. Prendergast vs. Peter Martin, that plaintiff have ten days from filing of testimony to file exceptions from the judgment of Judge Robinson.

In the case of Enterprise Mill Co. vs. Pacific Mill Co. et al., the First National Bank of Hawaii, garnishee, answers that at the time of service of summons it had in its hands \$12.64, and no more, of the property of defendant.

Judge De Bolt, after a hearing, yesterday gave judgment in the partition suit of Keahi (w) vs. Niau Iaukea et al. He found that the plaintiff was owner of the fee simple in an undivided half of the premises, also entitled to a set-off if such could be done according to the petition and the usual procedure. The court directs the parties to agree on a commissioner, who must be a surveyor.

The parties agreed on Olaf Sorenson as commissioner in Keahi vs. Iaukea and Judge De Bolt appointed him.

Judge Gear appointed John Cassidy as guardian of Margaret A. Robertson, an insane person.

Judge De Bolt granted a license to Patrick Henry Burnette for the practice of law in district courts and before circuit judges at chambers on appeal.

Attorney General Andrews gives Henry B. Chilton, kidnapping, to September 1 to perfect his appeal to the Supreme Court.

Judge De Bolt allows George Kaupena, larceny second degree, fifteen days more in which to present his bill of exceptions.

POLO MEN GO OFF TO KAUI

When the Kauai leaves for Kauai this evening it will be with every stable-room full and the extras piled upon the decks everywhere. For the run to Kauai for a Fourth of July celebration has been proved the novelty of the many celebrations of this season.

The principal attraction of this trip of course is the polo game which promises to be full of action and will live to the players all the sport they can hope to have. It will be the second match for the Kauai men and they will celebrate the occasion as best they may, even though they admit that they are not better than a three to one shot in the race.

The local team will show some changes. Atkinson cannot make the trip and George Angus has been substituted for him on the team. Damon, Dillingham, Dole and Angus will make as a strong a four as might be got together and they expect that they will have as good sport as could be expected. Each player will have four ponies and the men at Lihue have agreed to keep their mounts down to the same number.

There will be principally fanciers of the game in the party and it will be a jolly crowd which makes the tour. Horse races and a luau are other attractions which will make the day enjoyable for the visitors.

OLD RESIDENT GONE TO REST

Thomas Jefferson Cummins, for many years past a familiar figure on the streets of Honolulu, died from paralysis of the left side on Monday night at the home of his daughter, Mrs. George Fairchild, Keala, Kauai. The fatal stroke overtook him on Sunday morning. The funeral was held on Tuesday.

Mr. Cummins was a half-brother of Hon. John A. Cummins. He was born in Massachusetts March 17, 1825. He received his education in Massachusetts and came to these Islands with his father. The exact year of his arrival here can not be ascertained. In 1840 he and Hon. J. O. Carter went together in the bark Alclope from Honolulu around the Horn to Boston. He returned to the Islands in 1843 and has lived here ever since, ranching being his chief occupation. Prior to taking up his residence in Honolulu a few years ago his home was at Wailuku, Maui, and as hospitable as they make them in that pleasant town, which is saying a good deal.

Of powerful physique and athletic prowess in his prime, Mr. Cummins retained a goodly share of vigor into a green old age. Rapid failure near the end was probably attributable to his having been run over by a runaway horse and brake at Fort and King street about two years ago.

Mr. Cummins leaves two daughters.

SECRETS LAID BARE

More Light Cast Upon Sumner Cases.

(From Wednesday's Daily.)

On the resumption of the disbarment proceedings against Humphreys and Thompson, before the Supreme Court yesterday morning, Mr. Thompson took up the cross-examination of Mr. Magoon where Mr. Humphreys had rested the previous afternoon. This was taken as regular then, but Attorney General Andrews appealed to practice late in the day against too much of counsel in that line.

It was when Humphreys and Thompson had seemingly exhausted their inquisitorial acumen and memoranda upon Mr. Highton, and the court had taken a hand itself in bringing out points, that John W. Cathcart suddenly intervened an interrogatory to the witness.

TOO MANY INQUISITORS.

Mr. Andrews asked for whom the questioner appeared and when Mr. Thompson said he had asked to have Mr. Cathcart entered of counsel for the respondents, the Attorney General objected to associate counsel's continuing the cross-examination. He said the usual practice was for but one attorney on a side to cross-examine one witness.

Mr. Thompson apparently submitted to the objection by repeating Mr. Cathcart's question for him, but associate counsel came up again with the question:

"Who is the Mr. Cathcart to whom you referred in your evidence?"

Mr. Andrews laughingly said it would be admitted by the prosecution that it was not John W. Cathcart, Esq., the former Deputy Attorney General.

MAGOON'S EVIDENCE.

Mr. Magoon was questioned minutely on the conference in his office over the settlement. The first he knew of any compromise was when Thompson came to his office with Sumner, Wally Davis, Geo. A. Davis and others. Thompson would not accept less than \$30,000 for the Ellises, and Wally Davis would not consent to more than \$10,000.

Thompson objected to Wally Davis's presence, as it was a conference of attorneys. Wally Davis informed witness the \$30,000 was a bluff and that the Ellis side would accept \$12,000. Witness had no authority to compromise at that time, but afterward understood that Sumner was willing to give \$10,000. He remembered the insanity suit, when G. A. Davis sent for him and he telephoned Humphreys to ask if it would embarrass him if he (witness) took the other side; didn't know then which case it was; made no attack then against Humphreys, but Humphreys indulged in a against him which the judge stopped.

THE TIRADE STOPS.

The court declined to Thompson's objection to testimony about the Humphreys. Later the court drew in objecting to the names on affidavits of the Humphreys as to Sumner's sanity.

RELUCTANCE IN SUMNER'S SANITY.

Witness had single Ellises on the affidavit because it was in his mind; did appear with G. A. Davis to put Sumner under guardianship and later appeared to defend him in another suit; did not object to Thompson appearing in the suit for a new trustee, Robert vs. Sumner, as he didn't think he had been attorney for Sumner; when he filed affidavits against Humphreys and moved to have his name stricken as counsel from the records, he was ready for trial and wanted to have night sessions but the court was not willing; Judge De Bolt asked him to withdraw the motion, not with the alternative of going to immediate trial, but because it would delay the case; did say he would not have charged Sumner \$3000 for the compromise; received \$2500 fee in Maria S. Davis case, and Geo. A. Davis was to get \$5000; he wouldn't think of the proposal of Humphreys, as it was a bluff, holdup, an outrage; saw nothing criminal in it; did not know about anything being improper unless it was criminal; there was a man with whom he was on most intimate terms, did not want to think his proposition was blackmail; from standpoint of witness it was highly improper.

Mr. Magoon was questioned on his direct testimony as to the blanket trust deed of Sumner to Wally Davis, but nothing inconsistent therewith was elicited. When this deed was executed, he released Sumner's power of attorney to himself. He did not record the trust deed, not deeming it necessary.

HUMPHREYS WAGERS GOLD.

Attorney J. Lightfoot, who has office room in Magoon's and works for him, testified to a conversation with Humphreys in the Law Library one night. Humphreys drew from his pocket "a large number of gold pieces" and offered to wager them against a smaller amount that he would win the case against Sumner; Humphreys was very serious about it, and said he would appeal from the Hawaiian Supreme Court, if it decided adversely, to the Federal Supreme Court on the ground that Chief Justice Frear and Justice Perry were disqualified.

HANDWRITING OF HUMPHREYS.

Miss Clark, formerly stenographer for Humphreys, Thompson & Watson, identified various documents as having been typewritten by her; the answer in the guardianship suit was not dictated but given in the handwriting of Humphreys; was told by

(Continued on page 9.)